

July 28, 2020



This document summarizes Executive Orders 2020-48, 2020-45, 2020-44, 2020-42, 2020-40, 2020-38, 2020-37, 2020-36, 2020-35, 2020-34, 2020-33, 2020-31, 2020-30, 2020-29, 2020-28, 2020-25, 2020-22, 2020-21, 2020-18, 2020-16, 2020-13, and 2020-10. This summary replaces all previous summaries. It's not legal advice and it should not be used as a legal reference for making decisions. It is recommended that you consult your attorney and/or the authorized agency with any questions. SCEMD is not authorized in the Executive Orders to make decisions, or interpret or enforce provisions of the Executive Orders. Agencies authorized to provide guidance include DHEC, SLED, Department of Commerce, and SCDOR as indicated.

**ALCOHOL SALES:** Executive Order 2020-12 and 2020-45 deal with the sale of alcohol. Questions should be referred to SLED and SCDOR as per the Executive Orders those agencies are charged with enforcement of the alcohol restrictions and are authorized to provide guidance. More on the restrictions below.

**BUSINESSES:** If anyone continues to question whether a business is allowed to re-open, you may direct them to the SC Department of Commerce for further guidance. (The Attorney General's Office also has authority to issue guidance per EO 2020-18 and others, but the essential versus non-essential determinations no longer apply.)

**GUNS:** The Executive Orders have not limited the transportation or sale of firearms and ammunition. All of the usual laws apply.

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### **General Provisions**

- A State of Emergency exists in SC. Confirms activation of the SC Emergency Operations Plan. Directs utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.
- Directs DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the SC Code of Laws, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."
- Directs DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate. Further directs DHEC to develop guidelines for nursing homes and assisted living facilities to allow for limited visitation for immediate family members.
- Authorizes and directs state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

- Places specified units and/or personnel of the SC National Guard on State Active Duty, pursuant to section 25-1-1840 of the SC Code of Laws, and directs the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. Orders the activation of SC National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. Authorizes Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).
- Orders that all licensing and registration requirements regarding private security personnel or companies who are contracted with SC security companies in protecting property and restoring essential services in SC shall be suspended, and directs the SLED to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.
- Declares that the prohibitions against price gouging pursuant to section 39- 5-145 of the SC Code of Laws are in effect and shall remain in effect for the duration of this State of Emergency.
- Declares that the provisions of the following Orders shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by prior or future Order: Executive Order Nos. 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, 2020-16, 2020-18, 2020-21, 2020-22, 2020-25, 2020-28, 2020-30, 2020-31, 2020-33, 2020-34, 2020-36, 2020-37, and 2020-45.
- Authorizes and directs any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same. Authorizes DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement.
- Transportation Waivers: expedites SC's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and facilitates the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law. Suspends certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the SC Code of Laws. Please see the Executive Order for details.
- Authorizes all SC law enforcement officers, or officers of any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.
- Pursuant to section 16-7-10(A) of the SC Code of Laws, any individual who "refuse[s] to disperse upon order of a law enforcement officer," "wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer," or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency "is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."
- In accordance with section 1-3-440(4) of the SC Code of Laws, authorizes, orders, and directs any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.
- All residents and visitors urged to limit social interaction and practice social distancing in accordance with CDC guidelines.
- Executive Orders are not intended to create, and do not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

- If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of the Executive Orders are for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of these Orders.
- If any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.
- Each Executive Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order.

#### **Specific Provisions**

- Any agency within the Cabinet or within any other department of the Executive Branch, as defined by Section 1-30-10 of the SC Code of Laws, as amended, through its respective director or secretary, is authorized to waive or “suspend provisions of existing regulations proscribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with Section 25-14-440 of the SC Code of Laws and other applicable law.
- Direct the Adjutant General to initiate and oversee efforts to coordinate with, between, and among the SCNG and hospitals or other healthcare providers, as necessary and applicable, regarding any actual or potential requirements for, or contingency plans related to, the mobilization, utilization, or acquisition of resources; the creation, medication, or construction of mobile or temporary facilities or other critical infrastructure; authorizes Adjutant General to use all SCNG personnel and equipment he deems necessary and appropriate and to issue the requisite supplemental orders.
- To the extent possible, state or local government should utilize any available technology or other reasonable procedures to conduct meetings and accommodate public participation via virtual or other remote or alternate means.
- Executive Order 2020-22 authorizes employers to make voluntary payment, or a series of payments, to furloughed employees for past services. Please see order for details.
- Authorizes the following business, venues, facilities, services, and activities to **re-open effective Monday, April 20, 2020, at 5:00 p.m.:**

Retail stores as follows:

- 1) furniture and home-furnishings stores
- 2) clothing, shoe, and clothing-accessory stores
- 3) jewelry, luggage, and leather goods stores
- 4) department stores (hardware and home-improvement stores were not closed and remain open)
- 5) sporting goods stores
- 6) book, craft, and music stores
- 7) flea markets
- 8) florists and flower stores

- Any and all businesses, venues, facilities, services, and activities in the State are urged to facilitate effective “social distancing” practices. As applicable and to the maximum extent possible, to further promote “social distancing,” facilitate self-isolation, and otherwise prevent potential exposure to COVID-19, businesses and organizations are also encouraged to utilize telecommuting or work-from-home options for employees and to provide alternate means of purchasing or delivering products and services, to include online or telephone orders and curbside or off-site deliveries,

and individuals are encouraged to utilize such options to support businesses in this State during the ongoing public health emergency.

- Authorizes Restaurants, as defined in EO 2020-10, **to provide services for limited indoor, on-premises customer dining, effective Monday, May 11, 2020, at 12:01 a.m.**, in addition to previously authorized services for off-premises consumption and outdoor customer dining. Restaurants should incorporate guidelines such as those published by the SC Restaurant and Lodging Association in addition to complying with applicable sanitation guidelines promulgated by CDC, DHEC, and any other state or federal health officials. DHEC authorized to provide supplemental guidance without need for further Orders.
- The following businesses, venues, facilities, services, and activities are **authorized to re-open** to non-employees and for access or use by the public, **effective Friday, May 22, 2020, at 12:01 a.m.:**

1. Entertainment venues and facilities as follows:

- (a) Arcades
- (b) Tourist attractions (including museums, aquariums, and planetariums)
- (c) Indoor children's play areas, with the exception of licensed childcare facilities, which were previously excluded from the "non-essential" definition and determination
- (d) Bingo halls
- (e) Venues operated by social clubs

2. Recreational and athletic facilities and activities as follows:

- (a) Sports that involve interaction in close proximity to and within less than six (6) feet of another person
- (b) Activities that require the use of shared sporting apparatus and equipment
- (c) Activities on commercial or public playground equipment

- The following businesses, venues, facilities, services, and activities are **authorized to re-open** to non-employees and for access or use by the public, **effective Monday, May 18, 2020, at 12:01 a.m.:**

1. Recreational and athletic facilities and activities as follows:

- (a) Fitness and exercise centers and commercial gyms
- (b) Spas and public or commercial swimming pools
- (c) Group exercise facilities, to include yoga, barre, and spin studios or facilities

2. Close-contact service providers as follows:

- (a) Barber shops
- (b) Hair salons
- (c) Waxing salons
- (d) Threading salons
- (e) Nail salons and spas
- (f) Body-art facilities and tattoo services

(g) Tanning salons

(h) Massage-therapy establishments and massage services

- Any businesses, venues, facilities, services, and activities that elect to re-open to non-employees and for access or use by the public, as authorized herein, should consider and incorporate any corresponding industry guidelines regarding the same, in addition to undertaking and implementing all reasonable steps to comply with any applicable sanitation guidance promulgated by the CDC, DHEC, or any other state or federal public health officials.
- The Office of the Governor (“Office”) is expressly authorized to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions.
- **Retail stores** are encouraged to consider and incorporate industry guidelines in addition to implementing all reasonable steps to comply with applicable sanitation guidance promulgated by CDC, DHEC, or any other state or public federal public health officials.
- **Bowling alleys** are allowed to re-open to the public and are encouraged to consider and incorporate industry guidelines in addition to implementing all reasonable steps to comply with applicable sanitation guidance promulgated by CDC, DHEC, or any other state or public federal public health officials.
- **Businesses and activities still closed as of July 1, 2020 (pursuant to Executive Order 2020-21)**

1) **Night clubs**

2) **Concert Venues**

3) **Adult Entertainment Venues**

4) **Theatres, auditoriums, and performing arts centers**

5) **Spectator Sports**

6) **Racetracks**

- DHEC is authorized to issue any necessary and appropriate supplemental guidance, rules, regulations, or restrictions without the need for further Orders.

#### **Alcohol Sales**

- Effective July 11, 2020 at 11:00 p.m., sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or business authorized to sell beer, wine, or alcoholic liquor is prohibited between the hours of 11:00 p.m. and 10:00 a.m. the following day.
- Licensees include only those persons or businesses holding the following permits issued by the SC Department of Revenue.

1. On-Premises Beer and Wine Permits (PBW) or 7-Day On-Premises Beer and Wine Permit (PO7);

2. Instate Winery Permit (PWY), Domestic Winery Permit (PDW), or
3. Day Winery Permit (P7W);
4. Brewpub Beer Permit (PBB);
5. Brewery Permit (PWY);
6. Business Liquor by the Drink License (PLB);
7. Non-Profit Private Club Liquor by the Drink License (PLC); or
8. Special Event Permit or Special Non-Profit Event Permit

- Executive Order 2020-45 does not limit the hours of sale for beer, wine, or alcoholic liquors for off-premises consumption, which continues to be governed by existing law.
- Relevant SC Code Sections: 61-4-580, 61-6-50, 61-6-100, 1-23-370(c), 16-7-10(A), 61-6-4160

### Schools

- Authorizes and directs the Department of Education to include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the 180 instructional day requirement contained in section 59-1-425 of the SC Code of Laws.
- School districts are authorized to provide the following services, resources, and support to students and families for the duration of the State of Emergency: 1) preparation and implementation of distance learning activities, 2) preparation, distribution, and deliver of meals to children, 3) planning and implementation of alternative and innovative high school graduation ceremonies/celebrations; 4) delivery of services to students with disabilities, including those with Individualized Education Programs, consistent with guidance from the SC Department of Education, and 5) provision of individualized support to students who are struggling academically or who need mental health counselling.
- Urges school districts to work with the Department of Education to provide voluntary, in-person summer learning opportunities for students who were enrolled in kindergarten through the eighth grade during the 2019-2020 school year but who are at risk of falling behind in their learning. The Department of Education will work with districts to identify any available state and federal funds to facilitate such voluntary summer learning opportunities.
- Urges school districts to work with the Department, in collaboration with the South Carolina Education Oversight Committee and school districts participating in the eLearning pilot program, to assess their instructional technology strengths and weaknesses, including devices, connectivity, online content, and professional learning, to improve access to and the effectiveness of digital learning. School districts are encouraged to consider utilizing federal funds allocated through the Elementary and Secondary School Relief Fund to improve their digital learning capabilities as identified by the aforementioned thorough assessment.
- Authorizes all state-supported colleges, universities, and technical colleges in SC to continue to provide instruction by delivering virtual and remote learning, by housing only out-of-state or displaced students, and by restricting on-campus services and activities to emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college or university officials. Authorizes the requisite college, university, and technical college officials to continue to make any necessary and appropriate decisions or arrangements to account for specific needs and other unique circumstances or to deal with students, employees, or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate college, university, or technical college officials.

- Authorizes the Department of Education and the CHE, as applicable, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions, without the need for further Orders.